

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
(Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:03-cv-06073-SJO-FMO**

Aids Healthcare Fdn v. Tommy G Thompson et al
Assigned to: Judge S. James Otero
Referred to: Discovery Fernando M. Olguin
Demand: \$0
Case in other court: 9th CCA, 05-56636
Cause: 05:552 Freedom of Information Act

Date Filed: 08/26/2003
Date Terminated: 08/01/2005
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Aids Healthcare Foundation

represented by **Katharine Sabich-Robison**
Aids Healthcare Foundation
6255 W Sunset Blvd, 21st Fl
Los Angeles, CA 90028
323-860-5259
Email: katy.robison@aidshhealth.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas Andrew Myers
Aids Healthcare Foundtion
6255 West Sunset Blvd, 21st Floor
Los Angeles, CA 90028
323-860-5259
Email: tom.myers@aidshhealth.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**United States Health Resources and
Services Administration**
TERMINATED: 07/12/2004

represented by **Alarice M Medrano**
AUSA – Office of US Attorney
Civil Division
300 North Los Angeles Street Suite 7516
Los Angeles, CA 90012
213-894-0460
Fax: 213-894-7819
Email: alarice.medrano@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Wayne Sauseda
TERMINATED: 07/12/2004

represented by **Alarice M Medrano**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Does
1 through 10, inclusive

Defendant

Michael O Leavitt
*Secretary of the United States Department
of Health and Human Services*

represented by **Alarice M Medrano**
(See above for address)
LEAD ATTORNEY

Substituted for
Tommy G Thompson

ATTORNEY TO BE NOTICED

Defendant

**United States Department of Health
and Human Services, –**

represented by **Alarice M Medrano**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/26/2003	<u>1</u>	COMPLAINT filed Summons(es) issued referred to Discovery Fernando M. Olguin (jag) (Entered: 08/28/2003)
08/26/2003	<u>2</u>	CERTIFICATION OF INTERESTED PARTIES filed by plaintiff Aids Healthcare Fdn (jag) (Entered: 08/28/2003)
08/26/2003	<u>3</u>	NOTICE by plaintiff Aids Healthcare Fdn of no related case(s) (rn) (Entered: 09/02/2003)
11/17/2003	<u>5</u>	ANSWER filed by defendant United States Health, defendant Wayne Sauseda to complaint [1-1] (pj) (Entered: 11/20/2003)
11/17/2003	<u>6</u>	CERTIFICATION OF INTERESTED PARTIES filed by defendants' United States Health, and Wayne Sauseda (bp) (Entered: 11/21/2003)
11/18/2003	<u>4</u>	MINUTES: Scheduling conf set for 8:30 2/23/04 . File a Joint rule 26(f) report on or before 2/9/04 by Judge S. J. Otero CR: N/A (pj) (Entered: 11/19/2003)
02/09/2004	<u>9</u>	JOINT REPORT Rule 26(f); and proposed schedule or pretrial dates filed; estimated length of trial 2 court days. (pj,) (Entered: 02/17/2004)
02/11/2004	<u>7</u>	NOTICE AND REQUEST of Settlement Procedure Selection (Sp1) filed; Parties request To Appear Before magistrate judge Olguin for settlement proceedings; Settlement procedure selection request granted By Order of S. James Otero (pj,) (Entered: 02/12/2004)
02/11/2004	<u>8</u>	INITIAL STANDING ORDER FOR CASES ASSIGNED TO JUDGE S. JAMES OTERO: Read this order carefully. It controls this case and differs in some respects from the local rules. (see document for further detail) All counsel are ordered to familiarize themselves with the FRCP and the Local Rules of the Central District of California by Judge S. James Otero(pj,) (Entered: 02/12/2004)
02/20/2004	<u>10</u>	MINUTES: (IN CHAMBERS) This case has been referred to Magistrate Judge Olguin for settlement. IT IS ORDERED that plaintiff(s) and defendant(s) shall confer with each other and set a date and time for a settlement conference, after clearing the date with the deputy clerk of Magistrate Judge Olguin (see document for further details) CR: N/A (pcl,) (Entered: 02/20/2004)
02/23/2004	<u>12</u>	PRETRIAL AND TRIAL ORDER by Judge S. James Otero, (pj,)(pj,) (Entered: 03/04/2004)
03/02/2004	<u>11</u>	MINUTES OF Scheduling Conference held before Judge S. James Otero last day to amend or add parties due by 3/22/2004. Discovery cut-off 6/7/2004. Motions (must be filed 21 days prior) due by 7/19/2004 at 10:00. Final Pretrial Conference set for 8/30/2004 09:00 AM. Jury Trial set for 9/7/2004 09:00 AM. All discovery disputes are to be brought before the Magistrate Judge assigned to the case by Judge S. James Otero. Court Reporter: Deborah Gackle. (pj,) (Entered: 03/02/2004)
03/15/2004	<u>13</u>	MINUTES ORDER TO SHOW CAUSE REGARDING CONSOLIDATION: The Court is in receipt of the complaints filed in case numbers CV 03-8266 SJO and CV 03-6073 SJO. Plaintiff is hereby ordered to Show Cause in writing no later than 4/5/2004 why these actions should not be consolidated. by Judge S. James Otero Court Reporter: Not Present. (pj,) (Entered: 03/18/2004)

04/16/2004	14	NOTICE of Filing and Filing of Declaration of Darlene Christian; and Exhibits filed by Defendants Wayne Sauseda, United States Health Resources and Services Administration. (pbap,) (Entered: 04/22/2004)
05/07/2004	<u>15</u>	ORDER Re Consolidation by Judge S. James Otero. ORDERED that CV 03-6073 SJO(FMOx) and CV 03-8266 SJO(FMOx) be consolidated for all purposes pursuant to Fed. R.Civ. P. 42. The lower numbered case, CV 03-6073-SJO(FMOx) is hereby designated the Master File. (Cases associated).(pbap,) (Entered: 05/11/2004)
05/18/2004	17	EX PARTE APPLICATION for Scheduling Conference and New Sceduling Order in consolidated cases filed by plaintiff Aids Healthcare Foundation. Lodged Proposed Order. (ca,) (Entered: 05/24/2004)
05/20/2004	<u>16</u>	[PROPOSED] ORDER SETTING SCHEDULING CONFERENCE by Judge S. James Otero: IT IS SO ORDERED that a Scheduling Conference is set for 6/7/2004 08:30 AM before Honorable S. James Otero.(rl,) (Entered: 05/21/2004)
05/20/2004	18	ANSWER to Complaint – (Discovery) 1 filed by Defendant United States Health Resources and Services Administration.(yl,) (Entered: 05/25/2004)
06/07/2004	<u>22</u>	MINUTES: Scheduling Conference held. The Court sets the following dates: last day to amend or add parties 7/7/04; Discovery cut-off 11/15/2004. Motions due by 1/3/2005. Final Pretrial Conference set for 2/7/2005 09:00 AM. Court Trial set for 2/15/2005 09:00 AM by Judge S. James Otero.Court Reporter: Deborah Gackle. (pj,) (Entered: 08/19/2004)
06/21/2004	<u>19</u>	PRETRIAL AND JURY TRIAL ORDER. These are Judge S JamesOtero's mandatory instructions for Pretrial Conference andJury Trial preparation. In addition, counsel shall complywith Local Rule 16 by Judge S. J. Otero,(pj,) (Entered: 06/23/2004)
07/12/2004	20	STIPULATION AND ORDER by Judge S. James Otero :, that defendants Wayne Sauseda and United States Health Resources and Services Administration be dismissed from this action and that Tommy G Thompson, and United States Department of Health and Human Services be SUBSTITUTED in as defendants in this action.(pj,) (Entered: 07/14/2004)
07/12/2004	21	ORDER CORRECTING CAPTION: IT IS HEREBY ORDERED that the caption of this case be changed to read as follows: Aids Healthcare Foundation v. Tommy G Thomposn, Secretary of the United States Department of Health and Human Services, and The Department of Health and Human Services by Judge S. James Otero,(pj,) (Entered: 07/15/2004)
07/12/2004		Summons Issued re Complaint – (Discovery) 1 as to Tommy G Thompson, United States Department of Health and Human Services (regarding order adding parties see document number 21). (pj,) (Entered: 07/15/2004)
08/24/2004	<u>23</u>	MINUTES OF In Chambers Conference held before Judge Fernando M. Olguin : This case has been referred to Magistrate Judge Olguin for settlement. Plaintiff's counsel shall contact Magistrate Judge Olguin's deputy clerk, Ms. Patricia Clarke, (213) 894-0215, to obtain available dates for a settlement conference. Plaintiff's counsel shall contact Magistrate Judge Olguin's deputy clerk with enough time so that the settlement conference date is early enough to comply with any deadlines imposed by the District Judge or the Local Rules of this District. After obtaining available dates from Magistrate Judge Olguin's deputy clerk, counsel for the parties shall confer with each other and select one of the proposed dates. Plaintiff's counsel shall then advise Judge Olguin's deputy clerk of the settlement conference date selected by parties. Please note that all settlement conferences begin at 2:00 p.m. and are usually conducted on a Tuesday or Thursday. (pcl,) (Entered: 08/24/2004)
09/01/2004	24	NOTICE OF FILING AND FILING OF DECLARATION OF STEVE MERRILL AS PART OF DEFENDANTS VAUGHN INDEX filed by Federal Defendants Tommy G Thompson, United States Department of Health and Human Services -. (pj,) (Entered: 09/07/2004)
09/01/2004	25	NOTICE OF FILING AND FILING OF AMENDED DECLARATION OF DARELEN CHRISTIAN AND EXHIBITS THERETO AS PART OF

		DEFENDANTS VAUGHN INDEX filed by Federal Defendants Tommy G Thompson, United States Department of Health and Human Services -. filed by Federal Defendant Tommy G Thompson, United States Department of Health and Human Services -. (pj,) (Entered: 09/07/2004)
09/01/2004	26	NOTICE OF FILING AND FILING OF REDACTED DOCUMENTS IDENTIFIED IN VAUGHN ITEMIZATION (EXHIBIT 2 TO CHRISTIAN DECLARATION) AS PART OF DEFENDANTS VAUGHN INDEX filed by Federal Defendants Tommy G Thompson, United States Department of Health and Human Services -. (pj,) (Entered: 09/08/2004)
10/07/2004	<u>27</u>	ORDER by Judge Fernando M. Olguin: This matter has been referred to United States Magistrate Judge Fernando M. Olguin for a Settlement Conference. Accordingly, IT IS ORDERED as follows:1. The parties and their trial counsel shall appear for the Settlement Conference at 2:00 p.m., Thursday, January 13, 2005, in the United States Courthouse, 312 North Spring Street, Courtroom F, 9th Floor, Los Angeles, California. 2. Counsel who will try the case must be present. In addition, the person with full settlement authority shall be present at the conference. 7. Each party shall deliver to the chambers of the Magistrate Judge a Confidential Settlement Conference Statement on or before January 6, 2005, at 4:00 p.m. 8. In the event any party believes, in good faith, that a settlement conference at this point in the litigation would not be meaningful, the party may contact Judge Olguin's courtroom deputy clerk and inform her of this information. 9. Counsel appearing without their clients (whether or not counsel purportedly have been given settlement authority) will cause the settlement conference to be canceled. The noncomplying party, attorney, or both, may be assessed the costs and expenses incurred by other parties as a result of such cancellation and rescheduling. 10. The failure of any party or attorney to comply with the requirements of this Order may result in sanctions being imposed. The sanctions may include, but not be limited to, the fees and costs expended by the other parties in preparing and attending the Settlement Conference. (See document for further details.)(pcl,) Modified on 10/7/2004 (pcl,). (Entered: 10/07/2004)
11/02/2004	28	EX PARTE APPLICATION to extend the deadline to file Defendants Motion for Summary Judgment regarding APA Action filed by Federal Defendants Tommy G Thompson, United States Department of Health and Human Services.; Declaration of Alarica M Medrano; Lodged Order. (ir,) (Entered: 11/04/2004)
11/03/2004	29	OPPOSITION to Ex Parte Application to extend the deadline to file Defendants Motion for Summary Judgment regarding APA Action 28 filed by Plaintiff Aids Healthcare Foundation.; Declaration of Tom Meyers (ir,) (Entered: 11/04/2004)
11/05/2004	<u>30</u>	ORDER by Judge S. James Otero: Federal Defendants shall have to and including 2/11/05 to file a Motion for Summary Judgment in regard to the APA claims that are part of this consolidated action.(ir,) (Entered: 11/09/2004)
12/10/2004	31	NOTICE OF MOTION AND MOTION for Summary Judgment filed by Plaintiff Aids Healthcare Foundation. Motion set for hearing on 1/3/2004 at 10:00 AM before Honorable S. James Otero. Lodged proposed statement and order. (shb,) (Entered: 12/13/2004)
12/10/2004	32	MEMORANDUM of points and authorities in Support of MOTION for Summary Judgment 31 filed by Plaintiff Aids Healthcare Foundation. (shb,) (Entered: 12/13/2004)
12/10/2004	33	PROOF OF SERVICE filed by Plaintiff Aids Healthcare Foundation. re MOTION for Summary Judgment 31 , Memorandum in Support of Motion 32 , was served on 12/10/04 served upon Alarice M Medraon by Personal Service. (shb,) (Entered: 12/13/2004)
12/10/2004	34	DECLARATION of Tom Myers in support of MOTION for Summary Judgment 31 filed by plaintiff Aids Healthcare Foundation. (mg,) (Entered: 12/14/2004)
12/10/2004	35	NOTICE OF MOTION AND MOTION for Summary Judgment filed by Defendants Tommy G Thompson, United States Department of Health and Human Services. Motion set for hearing on 1/3/2005 at 10:00 AM before Honorable S. James Otero.; Memorandum of Points and Authorities; Lodged Proposed

		Judgment, Statement of Uncontroverted Facts and Conclusions of law. (ir,) (Entered: 12/16/2004)
12/20/2004	36	MEMORANDUM of Points and Authorities in Opposition to Defendants Motion for Summary Judgment 35 filed by Plaintiff Aids Healthcare Foundation. (ir,) (Entered: 12/21/2004)
12/20/2004	37	DECLARATION of Tom Myers in support of its Motion for Summary Judgment 35 filed by Plaintiff Aids Healthcare Foundation. (ir,) (Entered: 12/21/2004)
12/20/2004	38	STATEMENT of Genuine Issues in opposition to Defendants Motion for Summary Judgment 35 filed by Plaintiff Aids Healthcare Foundation. (ir,) (Entered: 12/21/2004)
12/20/2004	39	CERTIFICATE OF SERVICE filed by Plaintiff Aids Healthcare Foundation of Notice of Motion and Motion for continuance and/or leave to conduct discovery, Proposed Order in support of motion for continuance and/or leave to conduct additional discovery (See document for further details) was served on 12/20/04. (ir,) (Entered: 12/21/2004)
12/21/2004	41	OPPOSITION to Plaintiffs Motion for Summary Judgment 31 , and Reply to Defendants Motion for Summary Judgment 35 filed by Federal Defendants Tommy G Thompson, United States Department of Health and Human Services. (ir,) (Entered: 12/29/2004)
12/21/2004	42	UNOPPOSED EX PARTE APPLICATION to extend the time for Defendants to file an Opposition to Plaintiffs Motion for summary judgment by one day filed by Federal Defendants Tommy G Thompson, United States Department of Health and Human Services.; Declaration of Alarice M Medrano. Lodged Proposed Order. (ir,) (Entered: 12/29/2004)
12/21/2004	43	STATEMENT of Genuine Issues of material fact regarding plaintiffs motion for Summary Judgment 31 filed by Federal Defendants Tommy G Thompson, United States Department of Health and Human Services. (ir,) (Entered: 12/29/2004)
12/22/2004	<u>40</u>	MINUTES: Parties are advised that Plaintiffs Motion for Summary Judgment 31 and Defendants motion for summary judgment 35 scheduled for hearing on 1/3/05 are taken under submission. Accordingly the hearing date is vacated. Order will issue by Judge S. James Otero Court Reporter: Not Present. (ir,) (Entered: 12/29/2004)
12/22/2004		ORDER taking under submission Plaintiffs Motion for summary judgment 31 and Defendants motion for Summary Judgment 35 pursuant to Minute Order filed 12/22/04. (ir,) (Entered: 12/29/2004)
12/22/2004	44	OPPOSITION to Ex Parte Motion to extend the time for defendants to file an opposition to Plaintiffs motion for summary judgment by one day 42 filed by Plaintiff Aids Healthcare Foundation.; Supporting Declaration of Tom Myers. (ir,) (Entered: 12/29/2004)
12/22/2004	45	CERTIFICATE OF SERVICE filed by Plaintiff Aids Healthcare Foundation of their Opposition to Ex Parte Motion to extend time to file summary judgment opposition 44 was served on 12/22/04. (ir,) (Entered: 12/29/2004)
12/22/2004	47	MINUTES by Judge S. James Otero: The parties are advised that Plaintiff's MOTION for Summary Judgment 31 and Defenant's MOTION for Summary Judgment 35 , scheduled for hearing on January 3, 2005, 2004 are taken under submission. Accordingly, the hearing date is vacated. Order will issue. Court Reporter: not present. (rl,) (Entered: 01/03/2005)
12/22/2004		ORDER taking under submission 31 Motion for Summary Judgment and 35 Motion for Summary Judgment; pursuant to minute order filed 12/22/04 (rl,) (Entered: 01/03/2005)
12/22/2004		ORDER – Hearing dates vacated pursuant to minute order filed 12/22/04 31 35 Motion for Summary Judgment (rl,) (Entered: 01/03/2005)

12/22/2004		Terminate hearing pursuant to minute order filed 12/22/04 (rl,) (Entered: 01/03/2005)
12/27/2004	46	REPLY brief in support of Motion for Summary Judgment 35 filed by Plaintiff Aids Healthcare Foundation. (ir,) (Entered: 12/29/2004)
12/28/2004	49	OPPOSITION to Plaintiffs Motion for leave to conduct discovery pursuant to FRCP 56(f) filed by Federal Defendants Tommy G Thompson, United States Department of Health and Human Services.; Declaration of Alarice M Medrano. (ir,) (Entered: 01/04/2005)
12/28/2004	50	RESPONSE to Plaintiffs Opposition to Ex Parte Motion to extend the time for Defendants to file an Opposition to Plaintiffs Motion for summary judgment by one day 42 filed by Federal Defendants Tommy G Thompson, United States Department of Health and Human Services.; Declaration of Alarice M Medrano. (ir,) (Entered: 01/04/2005)
12/29/2004	52	NOTICE OF DISCREPANCY AND ORDER: by Judge S. James Otero, ORDERING Motion submitted by Plaintiff Aids Healthcare Foundation received on 12/20/04 is not to be filed but instead rejected. Denial based on: Local Rules 6.1 Written notice of motion timeliness of notice incorrect.(ir,) (Entered: 01/07/2005)
01/03/2005	53	REPLY brief in support of motion by Aids Healthcare Foundation for continuance and/or for leave to conduct discovery filed by Plaintiff Aids Healthcare Foundation. (ir,) (Entered: 01/07/2005)
01/04/2005	48	NOTICE OF CLERICAL ERROR: Due to clerical error Re: In Chambers Minutes 47 filed 12/22/04. Document is same entry as document entry number 40. (rl,) (Entered: 01/04/2005)
01/04/2005	54	ORDER by Judge S. James Otero that Federal Defendants shall have to and including 12/21/04 to file an Opposition to Plaintiffs Motion for Summary Judgment in regard to the FOIA claims that are part of this consolidated action.(ir,) (Entered: 01/07/2005)
01/04/2005	55	ORDER by Judge S. James Otero that Federal Defendants shall have to and including 12/21/04 to file an opposition to Plaintiffs motion for summary judgment in regard to the FOIA claims that are part of this consolidated actions. Plaintiff AIDS Healthcare Foundation shall have to and including 12/28/04 to file a Reply to Defendants Opposition.(ir,) (Entered: 01/07/2005)
01/06/2005	<u>51</u>	MINUTES OF Settlement Conference held before Judge Fernando M. Olguin :In chambers and off the record, the court and counsel met and conferred regarding settlement. The case did not settle. The parties may, if they jointly agree that another conference would be beneficial, contact the court's clerk, Ms. Patricia Clarke (213) 894-0215, to select a date for another settlement conference session. (pcl,) (Entered: 01/07/2005)
01/07/2005	56	NOTICE OF MOTION AND MOTION for Continuance and/or leave to conduct Discovery filed by Plaintiff Aids Healthcare Foundation. Motion set for hearing on 1/31/2005 at 10:00 AM before Honorable S. James Otero.; Memorandum of Points and Authorities and Declaration of Tom Myers in support thereof; Lodged Proposed Order. (ir,) (Entered: 01/11/2005)
01/07/2005	57	CERTIFICATE OF SERVICE filed by Plaintiff Aids Healthcare Foundation of Notice of Motion and Motion by Aids Health Foundation for Continuance and/or leave to conduct Discovery 56 , Proposed Order in support of Motion for continuance and/or leave to conduct Additional discovery was served on 12/20/04. (ir,) (Entered: 01/11/2005)
01/20/2005	<u>58</u>	MINUTES: Parties are advised that Plaintiffs Motion for contuance and/or leave to conduct discovery pursuant to FRCP 56(f) 56 , scheduled for hearing on 1/31/05 is taken under submission. Accordingly hearing date is vacated. Order will issue by Judge S. James Otero Court Reporter: Not Present. (ir,) (Entered: 01/25/2005)
01/28/2005	<u>59</u>	MINUTES: (IN CHAMBERS) Parties agree that actions brought under FOIA are usually resolved by motion for summary judgment and without necessity of trial. See Joint Rule 26(f) Report, at 3. Pretrial and trial dates are VACATED. Ruling on

		the parties motions shall issue IT IS SO ORDERED by Judge S. James Otero Court Reporter: NONE PRESENT. (ir,) (Entered: 01/31/2005)
02/08/2005	60	CERTIFIED ADMINISTRATIVE RECORD (Volume I) regarding the APA Portion of the Case by Defendant United States Department of Health and Human Services. (ir,) (Entered: 02/14/2005)
02/08/2005	61	CERTIFIED ADMINISTRATIVE RECORD (Volume II) regarding The APA Portion of the the case by Defendant United States Department of Health and Human Services. (ir,) (Entered: 02/14/2005)
02/08/2005	62	CERTIFIED ADMINISTRATIVE RECORD (Volume III) regarding The APA Portion of the case by Defendant United States Department of Health and Human Services. (ir,) (Entered: 02/14/2005)
02/08/2005	63	CERTIFIED ADMINISTRATIVE RECORD (Volume IV) regarding The APA Portion of the case by Defendant United States Department of Health and Human Services. (ir,) (Entered: 02/14/2005)
02/08/2005	64	CERTIFIED ADMINISTRATIVE RECORD (Volume V) regarding the APA Portion of the Case by Defendant United States Department of Health and Human Services. (ir,) (Entered: 02/14/2005)
02/08/2005	65	CERTIFIED ADMINISTRATIVE RECORD (Volume VI) regarding The APA Portion of the case by Defendant United States Department of Health and Human Services. (ir,) (Entered: 02/14/2005)
02/08/2005	66	CERTIFIED ADMINISTRATIVE RECORD (Volume VII) regarding the APA Portion of the case by Defendant United States Department of Health and Human Services. (ir,) (Entered: 02/14/2005)
02/08/2005	67	CERTIFIED ADMINISTRATIVE RECORD (Volume VIII) regarding the APA Portion of the Case by Defendant United States Department of Health and Human Services. (ir,) (Entered: 02/14/2005)
02/08/2005	68	CERTIFIED ADMINISTRATIVE RECORD (Volume IX) regarding The APA Portion of the Case by Defendant United States Department of Health and Human Services. (ir,) (Entered: 02/14/2005)
02/08/2005	69	CERTIFIED ADMINISTRATIVE RECORD (Volume X) regarding The APA Portion of the Case by Defendant United States Department of Health and Human Services. (ir,) (Entered: 02/14/2005)
02/11/2005	70	NOTICE OF MOTION AND MOTION for Summary Judgment on the APA Portion of the Case filed by Federal Defendants Michael O Leavitt, United States Department of Health and Human Services. Motion set for hearing on 4/18/2005 at 10:00 AM before Honorable S. James Otero.; Memorandum of Points and Authorities in support; Lodged Order and Uncontroverted. (ir,) (Entered: 02/15/2005)
02/16/2005	<u>71</u>	STIPULATION AND ORDER by Judge S. James Otero: Pursuant to Courts Order, Defendants shall file and serve their motion for summary judgment on or before 2/11/05. AIDS Healthcare Foundatin shall file and serve its opposition to Defendants motion on or before 3/28/05. Defendants shall file and serve their reply papers on or before 4/11/05. Hearing if required shall be set for 4/18/05 or shortly thereafter as the Courts schedule allows. (ir,) (Entered: 02/18/2005)
03/25/2005	<u>72</u>	MINUTES before Judge S. James Otero: The parties are advisd that Federal Defendants MOTION for Summary Judgment on the APA Portion of the Case 70 , scheduled for hearing on April 18, 2005, is TAKEN UNDER SUBMISSION. Accordingly, the hearing date is vacated. Order will issue. Court Reporter: Not Present. (jp,) (Entered: 03/28/2005)
03/25/2005		Federal Defendant MOTION for Summary Judgment on the APA Portion of the Case 70 is TAKEN UNDER SUBMISSION (pursuant to Minute Order, document number 72). (jp,) (Entered: 03/28/2005)

03/28/2005	73	NOTICE OF MOTION AND MOTION for continuance and/or for leave to conduct discovery pursuant to FRCP 56(f) filed by Plaintiff Aids Healthcare Foundation. Motion set for hearing on 4/18/2005 at 10:00 AM before Honorable S. James Otero.; Memorandum of Points and Authorities and Declaration of Tom Myers in support thereof; Lodged Proposed Order. (ir,) (Entered: 03/30/2005)
03/28/2005	74	NON-FEDERAL STATUTES AND MATERIAL CITED in Plaintiffs memorandum of Points and Authorities in opposition to Defendants Motion for Summary Judgment on APA Issues 70 filed by Plaintiff Aids Healthcare Foundation. (ir,) (Entered: 03/30/2005)
03/28/2005	75	STATEMENT of Genuine Issues in opposition to Defendant Motion for Summary Judgment 70 filed by Plaintiff Aids Healthcare Foundation. (ir,) (Entered: 03/30/2005)
03/28/2005	76	MEMORANDUM of Points and Authorities in Opposition to Defendants Motion for Summary Judgment on APA Issues 70 filed by Plaintiff Aids Healthcare Foundation. (ir,) (Entered: 03/30/2005)
03/28/2005	77	DECLARATION of Tom Myers in support of its opposition to Motion for Summary Judgment 70 filed by Plaintiff Aids Healthcare Foundation. (ir,) (Entered: 03/30/2005)
03/28/2005	78	CERTIFICATE OF SERVICE filed by Plaintiff Aids Healthcare Foundation of Memorandum of Points and Authorities in opposition to Defendants Summary Judgment Motion on APA Issues 76 , Statement of Genuine Issues 75 , Declaration 77 , Non-Federal Statutes and material 74 , Notice of motion and motion for continuance 73 was served on 3/28/05. (ir,) (Entered: 03/30/2005)
03/28/2005		MOTION for Leave 73 REFERRED to Honorable S. James Otero. (pcl,) (Entered: 04/18/2005)
04/08/2005	<u>79</u>	MINUTES: Parties are advised that Plaintiffs Motion for Summary Judgment 31 , scheduled for hearing on 4/18/05 is taken under submission. Accordingly, hearing date is vacated. Order will issue by Judge S. James OteroCourt Reporter: Not Present. (ir,) (Entered: 04/12/2005)
04/11/2005	80	REPLY to Plaintiffs opposition to Defendants motion for Summary Judgment on APA Issues 70 filed by Defendants Michael O Leavitt, United States Department of Health and Human Services. (ir,) (Entered: 04/15/2005)
04/11/2005	81	NOTICE of Filing and Filing of Declaration of Janice M Gordon regarding Supplemental Certified Administrative Record filed by Defendants Michael O Leavitt, United States Department of Health and Human Services. (ir,) (Entered: 04/15/2005)
04/11/2005	82	SUPPLEMENTAL CERTIFIED ADMINISTRATIVE RECORD regarding The APA Portion of the Case by Defendants Michael O Leavitt, United States Department of Health and Human Services. (ir,) (Entered: 04/15/2005)
04/11/2005	83	OPPOSITION to Plaintiffs Second Motion for leave to conduct discovery pursuant to FRCP 56(f) 73 filed by Federal Defendants Michael O Leavitt, United States Department of Health and Human Services.; Declaration of Alarice M Medrano (ir,) (Entered: 04/18/2005)
04/15/2005	84	REPLY Brief in support of MOTION for Continuance and/or for leave to conduct discovery Pursuant to Fed.R.Civ.P. 56(f) 73 filed by plaintiff Aids Healthcare Foundation. (ca,) (Entered: 04/22/2005)
04/18/2005	85	SUPPLEMENTAL MEMORANDUM of Points and Authorities in Opposition to MOTION for Summary Judgment on APA issues 70 filed by plaintiff Aids Healthcare Foundation. (ca,) (Entered: 04/22/2005)
04/28/2005	86	REPLY to Plaintiffs Supplemental Opposition to Defendants Motion for Summary Judgment 70 filed by Federal Defendants Michael O Leavitt, United States Department of Health and Human Services. (ir,) (Entered: 05/10/2005)
04/28/2005	87	NOTICE of Filing and Filing Supplemental Declaration of Janice M Gordon regarding 70 filed by Federal Defendants Michael O Leavitt, United States

		Department of Health and Human Services. (ir,) (Entered: 05/10/2005)
05/06/2005	88	OPPOSITION to Reply Brief and Declarations of janice M. Gordon filed in support of MOTION for Summary Judgment on APA Issues 70 filed by plaintiff Aids Healthcare Foundation. (ca,) (Entered: 05/16/2005)
08/01/2005	<u>90</u>	JUDGMENT by Judge S. James Otero that Plaintiff Aids Healthcare Foundation take nothing, that the action be dismissed on the merits in view of this Courts granting of Defendants Motion for Summary Judgment on the Administrative Procedure Act portion of the case (MD JS-6, Case Terminated).(ir,) (Entered: 08/02/2005)
08/16/2005	91	NOTICE OF MOTION AND MOTION for Clarification of Judgment and Order pursuant to FRCP 59(e) and or 60; Memorandum of Points and Authorities in support thereof filed by Plaintiff Aids Healthcare Foundation. Motion set for hearing on 9/12/2005 at 10:00 AM before Honorable S. James Otero. (ir,) (Entered: 08/17/2005)
08/16/2005		Motions No Longer Referred: MOTION to Clarify 91 no longer referred to Judge Olguin. (pcl,) (Entered: 08/19/2005)
08/23/2005	<u>93</u>	MINUTES: IN CHAMBERS; Plaintiffs and Defendants cross-motions for summary judgment on the FOIA portion of the case 31 35 70 and AHF motion for continuance and/or for leave to conduct discovery in CV03-6073 56 73 is still under advisement and a separate order and judgment shall issue IT IS SO ORDERED by Judge S. James Otero Court Reporter: NONE PRESENT. (ir,) (Entered: 08/25/2005)
08/24/2005		PLACED IN FILE – NOT USED re Stipulation to continue hearing date for Plaintiffs motion for Clarification of Judgment from 9/12/05 to 9/26/05; Order thereon (proposed), lodged 8/22/05 submitted by Federal Defendants. (ir,) (Entered: 08/25/2005)
08/24/2005	<u>92</u>	ORDER REGARDING CROSS MOTIONS FOR SUMMARY JUDGMENT by Judge S. James Otero: Court hereby DENIES Plaintiff AHS Motion for Summary Judgment with respect to materials that reveal HRSA employees and consultants opinions, recommendations and judgments regarding CARE grant applications. Plaintiffs motion for Summary Judgment 31 is GRANTED, however insofar as it pertains to the identities of CARE grant application reviewers and CARE grant applicants who were denied funding. Conversely Defendants Motion for Summary Judgment 35 is GRANTED in part and DENIED in part. Finally AHF Motion for Continuance and/or for Leave to Conduct Discovery 56 73 is hereby DENIED. (ir,) (Entered: 08/25/2005)
08/26/2005	<u>94</u>	ORDER REGARDING CROSS MOTIONS FOR SUMMARY JUDGMENT by Judge S. James Otero: Court hereby DENIES Plaintiff AHS Motion for Summary Judgment with respect to materials that reveal HRSA employees and consultants opinions, recommendations and judgments regarding CARE grant applications. Plaintiffs motion for Summary Judgment 31 is GRANTED, however insofar as it pertains to the identities of CARE grant application reviewers and CARE grant applicants who were denied funding. Conversely Defendants Motion for Summary Judgment 35 is GRANTED in part and DENIED in part. Finally AHF Motion for Continuance and/or for Leave to Conduct Discovery 56 73 is hereby DENIED. (ir,) (Entered: 08/29/2005)
10/20/2005	<u>95</u>	NOTICE OF APPEAL to 9th CCA filed by plaintiff Aids Healthcare Foundation. Appeal of Order, <u>92</u> Filed On: 8/24/05; Entered On: 8/25/05; Filing fee \$ 255, Billed. cc: Tom Myers, Debra W. Yang and Alarice Medrano, Assistant United States Attorney. (ghap,) (Entered: 10/25/2005)
10/20/2005	<u>96</u>	REPRESENTATION STATEMENT re Appeal to Circuit Court, <u>95</u> . (ghap,) (Entered: 10/25/2005)
10/20/2005		Civil Appeals Docketing Statement received from plaintiff Aids Healthcare Foundation forwarded to 9th CCA. RE: Appeal to Circuit Court, <u>95</u> . (ghap,) (Entered: 10/25/2005)

10/25/2005		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re: Appeal to Circuit Court, <u>95</u> . (ghap,) (Entered: 10/25/2005)
10/28/2005		APPEAL FEE PAID: re Appeal to Circuit Court, <u>95</u> as to Plaintiff Aids Healthcare Foundation; Receipt Number: 79602 in the amount of \$255. (cbr,) (Entered: 10/28/2005)
11/02/2005	<u>97</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 05-56636, 9th CCA regarding Appeal to Circuit Court, <u>95</u> filed by Aids Healthcare Foundation,. (lm,) (Entered: 11/02/2005)
01/22/2008	<u>99</u>	MANDATE of 9th CCA filed re: Appeal to 9th Circuit Court of Appeals, <u>95</u> , CCA # 05-56636. The Judgment is Affirmed. Mandate received in this district on 1/25/08. (lr) (Entered: 01/29/2008)
01/26/2008	<u>98</u>	JUDGMENT: IT IS HEREBY ORDERED, ADJUDGED, AND DECREED: That judgment be entered in favor of plaintiff AIDS Healthcare Foundation on its claim under the Freedom of information act as to the identities of application reviewers and applicants who were denied funding; and that judgment be entered in favor of defendants on all other claims by Judge S. James Otero (bp) (Entered: 01/29/2008)